

Senate Administrative Practice and
Procedure Subcommittee

Ext. 5617

House Foreign Operations and Government
Information Subcommittee

Ext. 3741

Use PM's WEDNESDAY, 2/17/65

Bills to establish a Federal public records law and to permit court enforcement of the people's right to know the facts of government today were introduced in the Senate and the House of Representatives.

The bills were introduced by Senator Edward V. Long of Missouri and Congressman John E. Moss of California. More than 25 other Senators and Representatives introduced companion bills or co-sponsored the legislation.

The proposed public records law would require every agency of the Federal Government to "make all its records promptly available to any person." The bills list eight categories of sensitive government information which would be protected from disclosure and provide for court action to guarantee the right of access to other government information. The bills are based on S.1666 by Senator Long which was passed by the Senate late in the 88th Congress but was not acted upon in the House.

"This legislation was thoroughly discussed in the Senate last year," Senator Long commented, "and I am confident the proposal will be approved once more. It was developed after extensive public hearings and had the strong support of representatives of the newspaper and broadcasting industry, the legal profession and other groups."

Congressman Moss pointed out that 10 years of study by his Subcommittee has shown that Federal agencies have exercised broad powers to withhold information. "These should be replaced by a clear delineation of sensitive

- 2 -

government information which must be held confidential and by an enforceable right of public access to the rest of the facts of government," Congressman Moss said.

The proposed Federal public records law would permit persons seeking government information to file suit in a United States district court which would have authority to order the production of agency records improperly withheld. The Federal agency would have to prove its right to withhold the specific records, and the district courts would have the power to punish agency officials for contempt if they refused to disclose the records.

Federal government records and information which would be exempted from the disclosure requirements are:

- national defense and foreign policy secrets specifically protected by executive order;
- documents related solely to internal personnel rules and practices of an agency;
- information specifically protected by other laws;
- privileged trade secrets, commercial or financial information obtained from the public;
- agency memoranda dealing solely with matters of law or policy;
- personnel and medical files;
- investigatory files compiled for law enforcement, and
- examination, operating or condition reports used by agencies responsible for the regulation of financial institutions.

Other members of Congress who are co-sponsoring the bills introduced by Senator Long and Congressman Moss are: Senators E. L. Bartlett (D., Ala.),

- 3 -

Birch Bayh (D., Ind.), J. Caleb Boggs (R., Del.), Clifford P. Case (R., N.J.), Everett M. Dirksen (R., Ill.), Sam J. Ervin (D., N.C.), Hiram L. Fong (R., Haw.), Lee Metcalf (D., Mont.), Frank E. Moss (D., Ut), Wayne Morse (D., Ore.), Gaylord Nelson (D., Wisc.), Maurine B. Neuberger (D., Ore.), William Proxmire (D., Wisc.), Abraham Ribicoff (D., Conn.), George A. Smathers (D., Fla.), and Stuart Symington (D., Mo.); Representatives John A. Blatnik (D., Minn.), Ed Edmondson (D., Okla.), Dante B. Fascell (D., Fla.), Robert P. Griffin (R., Mich.), Richard D. McCarthy (D., N.Y.), Torbert H. Macdonald (D., Mass.), Ogden R. Reid (R., N.Y.), Henry S. Reuss (D., Wisc.) and Donald Rumsfeld (R., Ill.).

#